REMARKS/ARGUMENTS

Claims 1-62 are pending in the present application. The Examiner has rejected claims 1-62. Applicant has amended claims 9, 11, and 32. Applicant respectfully requests reconsideration of pending claims 1-62. The Examiner has objected to the drawings and the specification of the application. Applicant respectfully requests reconsideration of the drawings and the specification.

The Examiner has objected to the drawings under 37 CFR 1.83(a). The Examiner states, "the 'control plane,' 'routing plane,' 'signaling plane,' and 'data plane' must be shown or the feature(s) canceled from the claim(s)." Applicant respectfully disagrees. Applicant submits the pending claims are method claims, congestion notification processor claims, wherein the congestion notification processor comprises a processing module and memory, and connection processor claims, wherein the connection processor comprises a processing module and memory. As an example, Applicant submits Figure 2 illustrates a congestion notification processor 158 comprising processing module 152 and memory 154. As an example, Applicant submits Figure 4 illustrates a connection processor 138 comprising a processing module 132 and memory 134. As an example, Applicant submits Figures 3 and 5 illustrate methods. Applicant notes no apparatus claims are presented reciting a "control plane," a "routing plane," a "signaling plane," or a "data plane" as elements of the apparatus. Moreover, Applicant notes 37 U.S.C. § 113 states as follows:

> 35 U.S.C. 113 Drawings.
>
> The applicant shall furnish a drawing where necessary for the understanding of the subject matter to be patented. When the nature of such subject matter admits of illustration by a drawing and the applicant has not furnished such a drawing, the Commissioner may require its submission within a time period of not less than two months from the sending of a notice thereof. Drawings submitted after the filing date of the application may not be used (i) to overcome any insufficiency of the specification due to lack of an enabling disclosure or otherwise inadequate disclosure therein, or (ii) to supplement the original disclosure thereof for the purpose of interpretation of the scope of any claim.

Applicant further notes 37 C.F.R. § 1.81 states as follows:

> 37 CFR 1.81 Drawings required in patent application.
>
> (a) The applicant for a patent is required to furnish a drawing of his or her invention where necessary for the understanding of the subject matter sought to be patented; this drawing, or a high quality copy thereof, must be filed with the application. Since corrections are the responsibility of the applicant, the original drawing(s) should be retained by the applicant for any necessary future correction.

(b) Drawings may include illustrations which facilitate an understanding of the invention (for example, flow sheets in cases of processes, and diagrammatic views).

(c) Whenever the nature of the subject matter sought to be patented admits of illustration by a drawing without its being necessary for the understanding of the subject matter and the applicant has not furnished such a drawing, the examiner will require its submission within a time period of not less than two months from the date of the sending of a notice thereof.

(d) Drawings submitted after the filing date of the application may not be used to overcome any insufficiency of the specification due to lack of an enabling disclosure or otherwise inadequate disclosure therein, or to supplement the original disclosure thereof for the purpose of interpretation of the scope of any claim.

Applicant encloses five exemplary non-patent publications from diverse sources that provide descriptive content pertaining to, for example, "control plane," "data plane," "routing plane," and "signaling plane" and notes that none of the references contain any drawings to illustrate such descriptive content. Therefore, Applicant submits the understanding of, for example, "control plane," "data plane," "routing plane," and "signaling plane" can readily be appreciated in absence of drawings. Furthermore, in light of such exemplary publications, Applicant submits the Examiner has not established that the nature of the subject matter sought to be patented admits of illustration by a drawing." Accordingly, Applicant submits the Examiner's objections to the drawings are obviated.

The Examiner has objected to the specification as failing to provide proper antecedent basis for the claimed subject matter. The Examiner states, "...the specification does not provide any definition of a 'control plane,' a 'signaling plane,', a 'routing plane,' or a 'data plane.'" Applicant respectfully disagrees. Applicant submits the pending claims are method claims, congestion notification processor claims, wherein the congestion notification processor comprises a processing module and memory, and connection processor claims, wherein the connection processor comprises a processing module and memory. As an example, Applicant submits Figure 2 illustrates a congestion notification processor 158 comprising processing module 152 and memory 154. As an example, Applicant submits Figure 4 illustrates a connection processor 138 comprising a processing module 132 and memory 134. As an example, Applicant submits Figures 3 and 5 illustrate methods. Applicant notes no apparatus claims are presented reciting a "control plane," a "routing plane," a "signaling plane," or a "data plane" as elements of the apparatus. Therefore, Applicant disagrees with what the Examiner apparently considers to be "the claimed subject matter" and submits the specification provides antecedent basis for what is actually claimed, as Applicant has provided citation of specific examples above in reply to the Examiner's Response to Amendment.

Moreover, as noted above, Applicant encloses five exemplary non-patent publications from diverse sources that provide descriptive content pertaining to, for example, "control plane," "data plane," "routing plane," and "signaling plane." Applicant notes MPEP § 2111.01 states as follows:

> 2111.01 Plain Meaning [R-5]
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> I. THE WORDS OF A CLAIM MUST BE GIVEN THEIR "PLAIN MEANING" UNLESS **>SUCH MEANING IS INCONSISTENT WITH< THE SPECIFICATION
>
> **>Although< claims of issued patents are interpreted in light of the specification, prosecution history, prior art and other claims, this is not the mode of claim interpretation to be applied during examination. During examination, the claims must be interpreted as broadly as their terms reasonably allow. In re American Academy of Science Tech Center, 367 F.3d 1359, 1369, 70 USPQ2d 1827, 1834 (Fed. Cir. 2004) (The USPTO uses a different standard for construing claims than that used by district courts; during examination the USPTO must give claims their broadest reasonable interpretation >in light of the specification<.). This means that the words of the claim must be given their plain meaning unless **>the plain meaning is inconsistent with< the specification. In re Zletz, 893 F.2d 319, 321, 13 USPQ2d 1320, 1322 (Fed. Cir. 1989) (discussed below); Chef America, Inc. v. Lamb-Weston, Inc., 358 F.3d 1371, 1372, 69 USPQ2d 1857 (Fed. Cir. 2004) (Ordinary, simple English words whose meaning is clear and unquestionable, absent any indication that their use in a particular context changes their meaning, are construed to mean exactly what they say. Thus, "heating the resulting batter-coated dough to a temperature in the range of about 400oF to 850oF" required heating the dough, rather than the air inside an oven, to the specified temperature.). **
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> >
>
> II. IT IS IMPROPER TO IMPORT CLAIM LIMITATIONS FROM THE SPECIFICATION
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> "Though understanding the claim language may be aided by explanations contained in the written description, it is important not to import into a claim limitations that are not part of the claim. For example, a particular embodiment appearing in the written description may not be read into a claim when the claim language is broader than the embodiment." Superguide Corp. v. DirecTV Enterprises, Inc., 358 F.3d 870, 875, 69 USPQ2d 1865, 1868 (Fed. Cir. 2004). See also Liebel-Flarsheim Co. v. Medrad Inc., 358 F.3d 898, 906, 69 USPQ2d 1801, 1807 (Fed. Cir. 2004)(discussing recent cases wherein the court expressly rejected the contention that if a patent describes only a single embodiment, the claims of the patent must be construed as being limited to that embodiment);< E-Pass Techs., Inc. v. 3Com Corp., 343 F.3d 1364, 1369, 67 USPQ2d 1947, 1950 (Fed. Cir. 2003) ("Interpretation of descriptive statements in a patent's written description is a difficult task, as an inherent tension exists as to whether a statement is a clear lexicographic definition or a description of a preferred embodiment. The problem is to interpret claims 'in view of the specification' without unnecessarily importing limitations from the specification into the claims."); Altiris Inc. v. Symantec Corp., 318 F.3d 1363, 1371, 65 USPQ2d 1865, 1869-70 (Fed. Cir. 2003) (Although the specification discussed only a single embodiment, the court held that it was improper to read a specific order of steps into method claims where, as a matter of logic or grammar, the language of the method claims did not impose a specific order on the performance of the method steps, and the specification did not directly or implicitly require a particular order). See also paragraph *>IV.<, below. **>When< an element is claimed using language falling under the scope of 35 U.S.C. 112, 6th paragraph (often broadly referred to as means or step plus function language)**, the specification must be consulted to determine the structure, material, or acts corresponding to the function recited in the claim. In re Donaldson, 16 F.3d 1189, 29 USPQ2d 1845 (Fed. Cir. 1994) (see MPEP § 2181- § 2186).

In In re Zletz, supra, the examiner and the Board had interpreted claims reading "normally solid polypropylene" and "normally solid polypropylene having a crystalline polypropylene content" as being limited to "normally solid linear high homopolymers of propylene which have a crystalline polypropylene content." The court ruled that limitations, not present in the claims, were improperly imported from the specification. See also In re Marosi, 710 F.2d 799, 218 USPQ 289 (Fed. Cir. 1983) ("Claims are not to be read in a vacuum, and limitations therein are to be interpreted in light of the specification in giving them their 'broadest reasonable interpretation'." 710 F.2d at 802, 218 USPQ at 292 (quoting In re Okuzawa, 537 F.2d 545, 548, 190 USPQ 464, 466 (CCPA 1976)) (emphasis in original). The court looked to the specification to construe "essentially free of alkali metal" as including unavoidable levels of impurities but no more.) Compare In re Weiss, 989 F.2d 1202, 26 USPQ2d 1885 (Fed. Cir. 1993) (unpublished decision - cannot be cited as precedent) (The claim related to an athletic shoe with cleats that "break away at a preselected level of force" and thus prevent injury to the wearer. The examiner rejected the claims over prior art teaching athletic shoes with cleats not intended to break off and rationalized that the cleats would break away given a high enough force. The court reversed the rejection stating that when interpreting a claim term which is ambiguous, such as "a preselected level of force", we must look to the specification for the meaning ascribed to that term by the inventor." The specification had defined "preselected level of force" as that level of force at which the breaking away will prevent injury to the wearer during athletic exertion.**)

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III. < "PLAIN MEANING" REFERS TO THE ORDINARY AND CUSTOMARY MEAN-ING GIVEN TO THE TERM BY THOSE OF ORDINARY SKILL IN THE ART

"[T]he ordinary and customary meaning of a claim term is the meaning that the term would have to a person of ordinary skill in the art in question at the time of the invention, i.e., as of the effective filing date of the patent application." Phillips v. AWH Corp., *>415 F.3d 1303, 1313<, 75 USPQ2d 1321>, 1326< (Fed. Cir. 2005) (en banc). Sunrace Roots Enter. Co. v. SRAM Corp., 336 F.3d 1298, 1302, 67 USPQ2d 1438, 1441 (Fed. Cir. 2003); Brookhill-Wilk 1, LLC v. Intuitive Surgical, Inc., 334 F.3d 1294, 1298 67 USPQ2d 1132, 1136 (Fed. Cir. 2003)("In the absence of an express intent to impart a novel meaning to the claim terms, the words are presumed to take on the ordinary and customary meanings attributed to them by those of ordinary skill in the art."). It is the use of the words in the context of the written description and customarily by those skilled in the relevant art that accurately reflects both the "ordinary" and the "customary" meaning of the terms in the claims. Ferguson Beauregard/Logic Controls v. Mega Systems, 350 F.3d 1327, 1338, 69 USPQ2d 1001, 1009 (Fed. Cir. 2003) (Dictionary definitions were used to determine the ordinary and customary meaning of the words "normal" and "predetermine" to those skilled in the art. In construing claim terms, the general meanings gleaned from reference sources, such as dictionaries, must always be compared against the use of the terms in context, and the intrinsic record must always be consulted to identify which of the different possible dictionary meanings is most consistent with the use of the words by the inventor.); ACTV, Inc. v. The Walt Disney Company, 346 F.3d 1082, 1092, 68 USPQ2d 1516, 1524 (Fed. Cir. 2003) (Since there was no >express< definition given for the term "URL" in the specification, the term should be given its broadest reasonable interpretation >consistent with the intrinsic record< and take on the ordinary and customary meaning attributed to it by those of ordinary skill in the art; thus, the term "URL" was held to encompass both relative and absolute URLs.); and E-Pass Technologies, Inc. v. 3Com Corporation, 343 F.3d 1364, 1368, 67 USPQ2d 1947, 1949 (Fed. Cir. 2003) (Where no explicit definition for the term "electronic multi-function card" was given in the specification, this term should be given its ordinary meaning and broadest reasonable interpretation; the term should not be limited to the industry standard definition of credit card where there is no suggestion that this definition applies to the electronic multi-function card as claimed, and should not be limited to preferred embodiments in the specification.).

The ordinary and customary meaning of a term may be evidenced by a variety of sources, >including "the words of the claims themselves, the remainder of the specification, the prosecution history, and extrinsic evidence concerning relevant scientific principles, the meaning of technical

terms, and the state of the art."< Phillips v. AWH Corp., *>415 F.3d at 1314<, 75 USPQ2d **>at 1327.< If extrinsic reference sources, such as dictionaries, evidence more than one definition for the term, the intrinsic record must be consulted to identify which of the different possible definitions is most consistent with applicant's use of the terms. Brookhill-Wilk 1, 334 F. 3d at 1300, 67 USPQ2d at 1137; see also Renishaw PLC v. Marposs Societa" per Azioni, 158 F.3d 1243, 1250, 48 USPQ2d 1117, 1122 (Fed. Cir. 1998) ("Where there are several common meanings for a claim term, the patent disclosure serves to point away from the improper meanings and toward the proper meanings.") and Vitronics Corp. v. Conceptronic Inc., 90 F.3d 1576, 1583, 39 USPQ2d 1573, 1577 (Fed. Cir. 1996) (construing the term "solder reflow temperature" to mean "peak reflow temperature" of solder rather than the "liquidus temperature" of solder in order to remain consistent with the specification.). If more than one extrinsic definition is consistent with the use of the words in the intrinsic record, the claim terms may be construed to encompass all consistent meanings. ** See *>e.g.,< Rexnord Corp. v. Laitram Corp., 274 F.3d 1336, 1342, 60 USPQ2d 1851, 1854 (Fed. Cir. 2001)(explaining the court's analytical process for determining the meaning of disputed claim terms); Toro Co. v. White Consol. Indus., Inc., 199 F.3d 1295, 1299, 53 USPQ2d 1065, 1067 (Fed. Cir. 1999)("[W]ords in patent claims are given their ordinary meaning in the usage of the field of the invention, unless the text of the patent makes clear that a word was used with a special meaning."). Compare MSM Investments Co. v. Carolwood Corp., 259 F.3d 1335, 1339-40, 59 USPQ2d 1856, 1859-60 (Fed. Cir. 2001) (Claims directed to a method of feeding an animal a beneficial amount of methylsulfonylmethane (MSM) to enhance the animal's diet were held anticipated by prior oral administration of MSM to human patients to relieve pain. Although the ordinary meaning of "feeding" is limited to provision of food or nourishment, the broad definition of "food" in the written description warranted finding that the claimed method encompasses the use of MSM for both nutritional and pharmacological purposes.); and Rapoport v. Dement, 254 F.3d 1053, 1059-60, 59 USPQ2d 1215, 1219-20 (Fed. Cir. 2001) (Both intrinsic evidence and the plain meaning of the term "method for treatment of sleep apneas" supported construction of the term as being limited to treatment of the underlying sleep apnea disorder itself, and not encompassing treatment of anxiety and other secondary symptoms related to sleep apnea.).

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IV. < APPLICANT MAY BE OWN LEXICOGRAPHER

An applicant is entitled to be his or her own lexicographer and may rebut the presumption that claim terms are to be given their ordinary and customary meaning by clearly setting forth a definition of the term that is different from its ordinary and customary meaning(s). See In re Paulsen, 30 F.3d 1475, 1480, 31 USPQ2d 1671, 1674 (Fed. Cir. 1994) (inventor may define specific terms used to describe invention, but must do so "with reasonable clarity, deliberateness, and precision" and, if done, must "'set out his uncommon definition in some manner within the patent disclosure' so as to give one of ordinary skill in the art notice of the change" in meaning) (quoting Intellicall, Inc. v. Phonometrics, Inc., 952 F.2d 1384, 1387-88, 21 USPQ2d 1383, 1386 (Fed. Cir. 1992)). Where an explicit definition is provided by the applicant for a term, that definition will control interpretation of the term as it is used in the claim. Toro Co. v. White Consolidated Industries Inc., 199 F.3d 1295, 1301, 53 USPQ2d 1065, 1069 (Fed. Cir. 1999) (meaning of words used in a claim is not construed in a "lexicographic vacuum, but in the context of the specification and drawings"). Any special meaning assigned to a term "must be sufficiently clear in the specification that any departure from common usage would be so understood by a person of experience in the field of the invention." Multiform Desiccants Inc. v. Medzam Ltd., 133 F.3d 1473, 1477, 45 USPQ2d 1429, 1432 (Fed. Cir. 1998). See also Process Control Corp. v. HydReclaim Corp., 190 F.3d 1350, 1357, 52 USPQ2d 1029, 1033 (Fed. Cir. 1999) and MPEP § 2173.05(a). The specification should also be relied on for more than just explicit lexicography or clear disavowal of claim scope to determine the meaning of a claim term when applicant acts as his or her own lexicographer; the meaning of a particular claim term may be defined by implication, that is, according to the usage of the term in >the< context in the specification. See Phillips v. AWH Corp., *>415 F.3d 1303<, 75 USPQ2d 1321 (Fed. Cir. 2005) (en banc); and Vitronics Corp. v. Conceptronic Inc., 90 F.3d 1576, 1583, 39 USPQ2d 1573, 1577 (Fed. Cir. 1996). Compare Merck & Co., Inc., v. Teva Pharms. USA, Inc., 395 F.3d 1364, 1370, 73

> USPQ2d 1641, 1646 (Fed. Cir. 2005), where the court held that patentee failed to redefine the ordinary meaning of "about" to mean "exactly" in clear enough terms to justify the counterintuitive definition of "about." ("When a patentee acts as his own lexicographer in redefining the meaning of particular claim terms away from their ordinary meaning, he must clearly express that intent in the written description.").
>
> See also MPEP § 2173.05(a).

As Applicant submits Applicant's usage of terms such as "control plane," "data plane," "routing plane," and "signaling plane" is not inconsistent with their plain meanings, Applicant submits Applicant need not set forth definitions redefining the meanings away from their plain meanings. Moreover, as Applicant notes above, Applicant submits the specification provides antecedent basis for what is actually claimed, as Applicant has previously provided citation of specific examples above in reply to the Examiner's Response to Amendment. Thus, Applicant submits the objection to the specification has been obviated.

The Examiner has rejected claims 1-62 under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. Applicant respectfully disagrees. As that purported lack of support was the basis for the rejection under 35 U.S.C. 112, first paragraph, and Applicant cited specific examples of support for such subject matter in Applicant's reply to the Examiner's Response to Amendment above, Applicant submits the Examiner's rejection has been obviated. Applicant notes the Examiner states, "The applicant contends that support for the limitation 'wherein the control plane congestion is not data plane congestion' can be found, for example, in the specification at page 4, 1-3, page 11, lines 14-23, and page 14, lines 14-18." Applicant notes the Examiner disagrees and states "Page 4, lines 1-3 and page 11, lines 14-23 merely say that the data plane and control planes are different but do not state anything about congestion messages." Applicant notes the specification provides bountiful information "about congestion messages," for example, from page 7, line 11, through page 10, line 19. Applicant notes the Examiner states as follows:

> Page 14, lines 14-18 is not directed toward congestion signaling according to the preceding lines 9-11. The paragraph on page 14 implies that ATM-based system have congestion signaling but states nothing about congestion in differing planes. The example in lines 14-18 only states that IP congestion indicates data congestion but that the applicant does not explain how one would find control plane congestion as claimed.

Applicant submits the Examiner appears to misinterpret page 14, lines 14-18. Applicant submits the Examiner's characterization of page 14, line 14-18 as being "not directed toward congestion signaling" contradicts the Examiner's assertion that "The paragraph on page 14 implies that ATM-based system have congestion signaling." Also, Applicant submits the Examiner appears to misinterpret page 14,

lines 9-11. Applicant notes the presence of the word "currently" in line 11 of page 14 of the specification, which the Examiner appears to have disregarded. Moreover, Applicant notes page 14, lines 18 and 19, which immediately follow lines 14-18, state "As such, additional congestion signaling would be beneficial in an MPLS system at the label distribution protocol layer." Therefore, Applicant submits the Examiner's conclusion that "Page 14, lines 14-18 is not directed toward congestion signaling according to the preceding lines 9-11" is inaccurate in light of that paragraph of the specification taken as a whole. Furthermore, Applicant submits the Examiner appears to ignore page 14, lines 14-18, when concluding "The paragraph on page 14 implies that ATM-based system have congestion signaling but states nothing about congestion in differing planes," as lines 16 and 17 refer specifically to "data plane congestion" and "control plane congestion." Applicant disagrees with the Examiner's assertion "The example in lines 14-18 only states that IP congestion indicates data congestion but that the applicant does not explain how one would find control plane congestion as claimed." Applicant notes the specification provides plentiful support as to "how one would find control plane congestion," for example, at page 7, lines 14-21. Thus, Applicant submits all of the supposed rationales upon which the Examiner purports to base the rejection of claims 1-62 under 35 U.S.C. § 112, first paragraph, have been obviated. Therefore, Applicant submits claims 1-62 are in condition for allowance.

The Examiner has rejected claims 1-6, 8-25 and 27-62 under 35 U.S.C. § 102(e) as allegedly being anticipated by Fedyk et al. (U.S. Patent Number 6,560,654). Applicant respectfully disagrees.

Regarding claim 20, Applicant reiterates Applicant's previously submitted arguments. For example, Applicant submits Fedyk teaches, in col. 5, lines 37-41, in the case of "a positive feedback message," that the "positive feedback message" indicates "...that such node is ready to receive data transmissions from the source node 12...." Accordingly, Applicant submits Fedyk's "feedback messages," whether "positive" or "negative," appear to relate to a readiness to receive data transmissions, not to "control plane congestion."

As another example, Applicant submits the cited portions of the cited reference fail to disclose "wherein said control plane congestion is not data plane congestion, wherein said control plane congestion occurs in the control plane, said control plane carrying a connection setup message, and said data plane congestion occurs in a data plane, said data plane carrying data packets." While the Examiner cites "(col. 5, lines 13, 30, the feedback messages taught by Fedyk are independent of the normal data traffic and therefore the satisfy this limitation)," Applicant sees no teaching in the cited

portion of the cited reference that "the feedback messages...are independent of the normal data traffic." Moreover, Applicant submits the referenced portion of claim 20 does not recite "....are independent of the normal data traffic...."

Also, Applicant notes the Examiner cites only "(col. 5, lines 13, 30, the feedback messages taught by Fedyk are independent of the normal data traffic and therefore satisfy this limitation)" to allege teaching as to "wherein said control plane congestion is not data plane congestion, wherein said control plane congestion occurs in the control plane, said control plane carrying a connection setup message, and said data plane congestion occurs in a data plane, said data plane carrying data packets." Applicant submits such allegation fails to cite any teaching as to, for example, "said data plane congestion occurs in a data plane." Thus, Applicant submits the teaching alleged by the Examiner fails to disclose each and every aspect of the claimed subject matter. Therefore, Applicant submits the Examiner has failed to make a *prima facie* showing of anticipation. Thus, Applicant submits claim 20 is in condition for allowance.

Regarding claim 21, Applicant submits the cited portions of the cited reference fail to anticipate the subject matter of claim 21. As one example, Applicant submits the cited portions of the cited reference fail to anticipate "...wherein the memory stores operating instructions that, when executed, cause the processing module to provide the congestion notification via a routing plane within the signaling network." The Examiner states, "(col. 5, lines 13-30 and Figure 1, the devices in Figure 1 are considered a routing plane and the network is a signaling network)." However, Applicant submits such characterization by the Examiner appears to be inconsistent with the Examiner's characterization of the alleged teachings of Fedyk with regard to claim 23, where the Examiner states, "(col. 4, lines 9-37, the network in Figure 1 is considered a signaling plane)." Moreover, Applicant submits the Examiner alleges "Fedyk teaches...cause the processing module to provide congestion via routing plane." Therefore, Applicant submits the Examiner has not alleged teaching as to the subject matter of claim 21. Accordingly, Applicant submits the Examiner has not made a *prima facie* showing of anticipation with regard to claim 21. Thus, Applicant submits claim 21 is in condition for allowance.

Regarding claim 22, Applicant submits the cited portions of the cited reference fail to anticipate the subject matter of claim 22. As one example, Applicant submits the cited portions of the cited reference fail to anticipate "...wherein the memory stores operating instructions that, when executed, cause the processing module to provide the congestion notification via the routing plane such that the congestion notification is provided to neighboring network elements proximal to the network element."

Applicant notes Fedyk states, in col. 5, lines 52-55,"In preferred embodiments, however, only the source node database is updated and thus, is out of synchronization with the topology databases in the other nodes in the network 10." Thus, Applicant submits claim 22 is in condition for allowance.

Regarding claim 23, Applicant submits the cited portions of the cited reference fail to anticipate the subject matter of claim 23. As one example, Applicant submits the cited portions of the cited reference fail to anticipate "...wherein the memory stores operating instructions that, when executed, cause the processing module to provide the congestion notification via a signaling plane within the signaling network." The Examiner states, "(col. 4, lines 9-37, the network in Figure 1 is considered a signaling plane)." However, Applicant submits such characterization by the Examiner appears to be inconsistent with the Examiner's characterization of the alleged teachings of Fedyk with regard to claim 21, where the Examiner states, "(col. 5, lines 13-30 and Figure 1, the devices in Figure 1 are considered a routing plane and the network is a signaling network)." Thus, Applicant submits claim 23 is in condition for allowance.

Regarding claim 24, Applicant submits the cited portions of the cited reference fail to anticipate the subject matter of claim 24. As one example, Applicant submits the cited portions of the cited reference fail to anticipate "...wherein the memory stores operating instructions that, when executed, cause the processing module to provide the congestion notification in response to a received connection setup message generated by a source node in the network, wherein the at least one additional node includes the source node." Applicant has submitted arguments for the allowance of claim 20, from which claim 24 depends. Thus, Applicant submits claim 24 is also in condition for allowance.

Regarding claim 25, Applicant submits the cited portions of the cited reference fail to anticipate the subject matter of claim 25. As one example, Applicant submits the cited portions of the cited reference fail to anticipate "...wherein the memory stores operating instructions that, when executed, cause the processing module to provide the congestion notification via a signaling plane within the signaling network, wherein the congestion notification is provided to each network element along a path traversed by the connection setup message." Applicant notes Fedyk states, in col. 5, lines 18-28, "As discussed in greater detail with reference to FIG. 4, an intervening node 16 that determines that its link 18 does not satisfy the parameters in the setup message responsively generates a point-to-point feedback message to the source node 12. The feedback message includes data identifying a node, its link 18, and data indicating the unsatisfactory condition not met by such intervening node's link 18. It

should be noted that the term "point-to-point" is used herein in the conventional manner to indicate that a message is transmitted from one node to another node and thus, is not a broadcast message." Thus, Applicant submits claim 25 is in condition for allowance.

Regarding claim 27, Applicant submits the cited portions of the cited reference fail to anticipate the subject matter of claim 27. As one example, Applicant submits the cited portions of the cited reference fail to anticipate "...wherein the signaling network is included in at least one of a packet-based communication network and a cell-based communication network." Applicant has presented arguments for the allowability of claim 20, from which claim 27 depends. Thus, Applicant submits claim 27 is also in condition for allowance.

Regarding claim 28, Applicant submits the cited portions of the cited reference fail to anticipate the subject matter of claim 28. As one example, Applicant submits the cited portions of the cited reference fail to anticipate "...wherein the signaling network is a source routed control network." Applicant has presented arguments for the allowability of claim 20, from which claim 28 depends. Thus, Applicant submits claim 28 is also in condition for allowance.

Regarding claim 29, Applicant submits the cited portions of the cited reference fail to anticipate the subject matter of claim 29. As one example, Applicant submits the cited portions of the cited reference fail to anticipate "...wherein the signaling network is included in an ATM network utilizing a Private Node Network Interface (PNNI) routing and signaling protocol." Applicant has presented arguments for the allowability of claim 20, from which claim 29 depends. Thus, Applicant submits claim 29 is also in condition for allowance.

Regarding claims 1-6 and 8-10, to whatever extent the Examiner alleges that claims 1-6 and 8-10 "feature the same limitations as claims 20-25 and 27-29 and are rejected for the same reasons as claims 20-25 and 27-29," Applicant reiterates Applicant's arguments for the allowability of claims 20-25 and 27-29. Therefore, Applicant submits the Examiner has failed to make a *prima facie* showing of anticipation. Thus, Applicant submits claims 1-6 and 8-10 are in condition for allowance.

Regarding claim 30, Applicant submits the cited portions of the cited reference fail to anticipate the subject matter of claim 30. As one example, Applicant submits the cited portions of the cited reference fail to anticipate "...wherein utilization of the congestion notification by the at least one additional network element further comprises at least one of: updating routing tables, generating a congestion database, propagating the congestion notification to additional elements in the network, and

compiling statistics reflecting network performance." Applicant notes Fedyk states, in col. 5, line 51, "...update the database in the data storage 26..." and, in col. 5, lines 52-55,"In preferred embodiments, however, only the source node database is updated and thus, is out of synchronization with the topology databases in the other nodes in the network 10." Applicant does not see teaching in the cited portions of the cited reference of "the database in data storage 26" or the "source node database" being a "congestion database." Thus, Applicant submits claim 30 is in condition for allowance.

Regarding claim 31, Applicant submits the cited portions of the cited reference fail to anticipate the subject matter of claim 31. As one example, Applicant submits the cited portions of the cited reference fail to anticipate "...wherein the congestion notification includes a congestion level and wherein utilization of the congestion notification further comprises reducing control traffic to the network element at which the control plane congestion has been detected, wherein an amount of reduction in control traffic to the network element is based on the congestion level." Applicant notes Fedyk states, in col. 5, lines 34-36, "...indicating that a link 18 in the selected path does not meet the parameters in the setup message...." Accordingly, it appears that Fedyk does not teach "...wherein the congestion notification includes a congestion level...." Thus, Applicant submits claim 31 is in condition for allowance.

Regarding claim 32, Applicant reiterates Applicant's previously submitted arguments. For example, Applicant submits the cited portions of the cited reference fail to disclose "...wherein the network parameters include communication network topology information and congestion information." While the Examiner cites "(col. 5, lines 10-12 and lines 45-61)," Applicant notes col. 5, lines 10-12, merely states, "In preferred embodiments, the setup message is a control plane message." Applicant notes col. 5, lines 45-61, states as follows:

> Once the feedback message is received, it is parsed by the link state module 27 to determine the required topology data for the network 10. Such data may include link and node data, available bandwidth through the link(s) 18, and whether the selected path is to be used to transmit data. Accordingly, such data is utilized by the link state module 27 to update the database in the data storage 26 in accord with conventional processes (step 308). In preferred embodiments, however, only the source node database is updated and thus, is out of synchronization with the topology databases in the other nodes in the network 10. Although not "in sync" with the other topology databases, the source node database is more up-to-date than the topology databases in the other nodes in the network. The source node 12 may utilize this updated data for selecting another path to the destination node 14 (noted below), or for utilizing the network 10 for any other purpose.

Applicant submits the cited portion does not disclose the subject matter of claim 32.

Moreover, while the Examiner states, with citing any support for the contention, that "(control plane information will always pertain to control plane congestion)." Applicant respectfully disagrees and requests the Examiner cite teaching in support of such contention.

Also, Applicant submits the cited portions of the cited reference fail to disclose "wherein said control plane congestion information pertains to control plane congestion, wherein said control plane congestion is not data plane congestion, wherein said control plane congestion occurs in a control plane, said control plane carrying a first connection setup message, and said data plane congestion occurs in a data plane, said data plane carrying data packets for connections within the communication network." While the Examiner cites, "(col. 5, lines 13, 30, the feedback messages taught by Fedyk are independent of the normal data traffic and therefore the satisfy this limitation)," Applicant sees no teaching in the cited portion of the cited reference that "the feedback messages...are independent of the normal data traffic." Moreover, Applicant submits the referenced portion of claim 32 does not recite "...are independent of the normal data traffic...." Thus, Applicant submits the teaching alleged by the Examiner fails to disclose each and every aspect of the claimed subject matter. Therefore, Applicant submits the Examiner has failed to make a *prima facie* showing of anticipation. Thus, Applicant submits claim 32 is in condition for allowance.

Regarding claim 33, Applicant submits the cited portions of the cited reference fail to anticipate the subject matter of claim 33. As one example, Applicant submits the cited portions of the cited reference fail to anticipate "receiving an indication of control plane congestion at a congestion point along the first routing path." As another example, Applicant submits the cited portions of the cited reference fail to anticipate "determining a second routing path for the connection using the network parameters and the indication of control plane congestion." While the Examiner cites "(col. 5, lines 13-60, the feedback message)" as allegedly teaching "an indication of control plane congestion at a congestion point along the first routing path," Applicant respectfully disagrees. While Fedyk states in col. 5, lines 11 and 12, "In preferred embodiments, the setup message is a control plane message," Applicant does not see Fedyk teaching the "feedback message" as being "...an indication of control plane congestion at a congestion point along the first routing path...." Rather, Fedyk teaches, in col. 5, lines 37-41, in the case of "a positive feedback message," that the "positive feedback message" indicates "...that such node is ready to receive data transmissions from the source node 12...." Accordingly, Applicant submits Fedyk's "feedback messages," whether "positive" or "negative,"

appear to relate to a readiness to receive data transmissions, not to "control plane congestion." Thus, Applicant submits claim 33 is in condition for allowance.

Regarding claim 34, Applicant submits the cited portions of the cited reference fail to anticipate the subject matter of claim 34. As one example, Applicant submits the cited portions of the cited reference fail to anticipate "wherein the processing module stores the network parameters in a table, and wherein memory stores operating instructions that, when executed, cause the processing module to add congestion information included in the indication of control plane congestion to the network parameters stored in the table." Applicant notes Fedyk states, in col. 5, lines 45-49, "Once the feedback message is received, it is parsed by the link state module 27 to determine the required topology data for the network 10. Such data may include link and node data, available bandwidth through the link(s) 18, and whether the selected path is to be used to transmit data." However, Applicant does not see teaching in the cited portion of the cited reference of "...add congestion information included in the indication of control plane congestion to the network parameters stored in the table." Thus, Applicant submits claim 34 is in condition for allowance.

Regarding claim 35, Applicant submits the cited portions of the cited reference fail to anticipate the subject matter of claim 35. As one example, Applicant submits the cited portions of the cited reference fail to anticipate "...wherein the memory stores operating instructions that, when executed, cause the processing module to remove the congestion information from the table after a predetermined time period." While Fedyk states, in col. 6, lines 20-22, "The source node 12, in this case, may transmit the data upon expiration of a time interval, or upon receipt of some other message," Applicant does not see teaching in the cited portion of the cited reference of "...remove the congestion information from the table after a predetermined time period." Thus, Applicant submits claim 35 is in condition for allowance.

Regarding claim 36, Applicant submits the cited portions of the cited reference fail to anticipate the subject matter of claim 36. As one example, Applicant submits the cited portions of the cited reference fail to anticipate "...wherein the congestion information includes a level of congestion, and wherein the predetermined time period is based on the level of congestion." While Fedyk states, in col. 6, lines 20-22, "The source node 12, in this case, may transmit the data upon expiration of a time interval, or upon receipt of some other message," Applicant does not see teaching in the cited portion of the cited reference of "...wherein the congestion information includes a level of congestion, and

wherein the predetermined time period is based on the level of congestion." Thus, Applicant submits claim 36 is in condition for allowance.

Regarding claim 37, Applicant submits the cited portions of the cited reference fail to anticipate the subject matter of claim 37. As one example, Applicant submits the cited portions of the cited reference fail to anticipate "...wherein the memory stores operating instructions that, when executed, cause the processing module to perform an additional function of relaying the indication of control plane congestion to at least one additional node in the communication network." Applicant does not see teaching as to the above-referenced feature in col. 6, lines 4-22, as cited by the Examiner. Thus, Applicant submits claim 37 is in condition for allowance.

Regarding claim 38, Applicant submits the cited portions of the cited reference fail to anticipate the subject matter of claim 38. As one example, Applicant submits the cited portions of the cited reference fail to anticipate "...wherein the memory stores operating instructions that, when executed, cause the processing module to store congestion information included in the indication of control plane congestion in a congestion database." While the Examiner cites col. 6, lines 4-22, of the cited reference, Applicant can find no teaching of "...to store congestion information included in the indication of control plane congestion in a congestion database" within the cited portion of the cited reference. Thus, Applicant submits claim 38 is in condition for allowance.

Regarding claim 39, Applicant submits the cited portions of the cited reference fail to anticipate the subject matter of claim 39. As one example, Applicant submits the cited portions of the cited reference fail to anticipate "...wherein the indication of control plane congestion is received by the processing module via a routing plane." Applicant has discussed the apparent inconsistency in the Examiner's characterization of the teachings of the cited reference with respect to claims 21 and 23 above. Applicant submits such inconsistency appears not to have been rectified with respect to the rejection of claims 39 and 40. Thus, Applicant submits claim 39 is in condition for allowance.

Regarding claim 40, Applicant submits the cited portions of the cited reference fail to anticipate the subject matter of claim 40. As one example, Applicant submits the cited portions of the cited reference fail to anticipate "wherein the indication of control plane congestion is received by the processing module via a signaling plane." Applicant has discussed the apparent inconsistency in the Examiner's characterization of the teachings of the cited reference with respect to claims 21 and 23

above. Applicant submits such inconsistency appears not to have been rectified with respect to the rejection of claims 39 and 40. Thus, Applicant submits claim 40 is in condition for allowance.

Regarding claims 11-19, to whatever extent the Examiner alleges that claims 11-19 "feature the same limitations as claims 32-40 and are rejected for the same reasons as claims 32-40," Applicant reiterates Applicant's arguments for the allowability of claims 32-40. Therefore, Applicant submits the Examiner has failed to make a *prima facie* showing of anticipation. Thus, Applicant submits claims 11-19 are in condition for allowance.

Regarding claim 41, Applicant reiterates Applicant's previously submitted arguments. Applicant submits Fedyk teaches, in col. 5, lines 37-41, in the case of "a positive feedback message," that the "positive feedback message" indicates "...that such node is ready to receive data transmissions from the source node 12...." Accordingly, Applicant submits Fedyk's "feedback messages," whether "positive" or "negative," appear to relate to a readiness to receive data transmissions, not to "control plane congestion."

As another example, Applicant submits the cited portions of the cited reference fail to disclose "wherein said control plane congestion is not data plane congestion, wherein said control plane congestion occurs in the control plane, said control plane carrying a connection setup message, and said data plane congestion occurs in a data plane, said data plane carrying data packets for connections within the signaling network." While the Examiner cites "(col. 5, lines 13, 30, the feedback messages taught by Fedyk are independent of the normal data traffic and therefore the satisfy this limitation)," Applicant sees no teaching in the cited portion of the cited reference that "the feedback messages...are independent of the normal data traffic." Moreover, Applicant submits the referenced portion of claim 41 does not recite "...are independent of the normal data traffic...." Thus, Applicant submits the teaching alleged by the Examiner fails to disclose each and every aspect of the claimed subject matter. Therefore, Applicant submits the Examiner has failed to make a *prima facie* showing of anticipation. Thus, Applicant submits claim 41 is in condition for allowance.

Regarding claim 42, Applicant submits Fedyk teaches, in col. 5, lines 37-41, in the case of "a positive feedback message," that the "positive feedback message" indicates "...that such node is ready to receive data transmissions from the source node 12...." Accordingly, Applicant submits Fedyk's "feedback messages," whether "positive" or "negative," appear to relate to a readiness to receive data transmissions, not to "control plane congestion."

As another example, Applicant submits the cited portions of the cited reference fail to disclose "wherein said control plane congestion is not data plane congestion, wherein said control plane congestion occurs in the control plane, said control plane carrying a connection setup message, and said data plane congestion occurs in a data plane, said data plane carrying data packets for connections within the signaling network." While the Examiner cites "(col. 5, lines 13, 30, the feedback messages taught by Fedyk are independent of the normal data traffic and therefore the satisfy this limitation)," Applicant sees no teaching in the cited portion of the cited reference that "the feedback messages...are independent of the normal data traffic." Moreover, Applicant submits the referenced portion of claim 42 does not recite "...are independent of the normal data traffic...." Thus, Applicant submits the teaching alleged by the Examiner fails to disclose each and every aspect of the claimed subject matter. Therefore, Applicant submits the Examiner has failed to make a *prima facie* showing of anticipation. Thus, Applicant submits claim 42 is in condition for allowance.

Regarding claim 52, Applicant submits Fedyk teaches, in col. 5, lines 37-41, in the case of "a positive feedback message," that the "positive feedback message" indicates "...that such node is ready to receive data transmissions from the source node 12...." Accordingly, Applicant submits Fedyk's "feedback messages," whether "positive" or "negative," appear to relate to a readiness to receive data transmissions, not to "control plane congestion."

As another example, Applicant submits the cited portions of the cited reference fail to disclose "wherein said control plane congestion is not data plane congestion, wherein said control plane congestion occurs in the control plane, said control plane carrying a connection setup message, and said data plane congestion occurs in a data plane, said data plane carrying data packets for connections within the signaling network." While the Examiner cites "(col. 5, lines 13, 30, the feedback messages taught by Fedyk are independent of the normal data traffic and therefore the satisfy this limitation)," Applicant sees no teaching in the cited portion of the cited reference that "the feedback messages...are independent of the normal data traffic." Moreover, Applicant submits the referenced portion of claim 41 does not recite "...are independent of the normal data traffic...." Thus, Applicant submits the teaching alleged by the Examiner fails to disclose each and every aspect of the claimed subject matter. Therefore, Applicant submits the Examiner has failed to make a *prima facie* showing of anticipation. Thus, Applicant submits claim 52 is in condition for allowance.

Regarding claim 53, Applicant submits the cited portions of the cited reference fail to anticipate the subject matter of claim 53. As one example, Applicant submits the cited portions of the cited

reference fail to anticipate "...wherein the at least one additional network element is a source node, wherein the providing the congestion notification occurs in response to a received connection setup message generated by the source node." Applicant has presented arguments for the allowability of claim 52, from which claim 53 depends. Thus, Applicant submits claim 53 is also in condition for allowance.

Regarding claim 55, Applicant submits the cited portions of the cited reference fail to anticipate the subject matter of claim 55. As one example, Applicant submits the cited portions of the cited reference fail to anticipate "...wherein the at least one additional network element comprises a network element along a path traversed by the connection setup message." Applicant respectfully disagrees. Applicant notes Fedyk states, in col. 5, lines 18-28, "As discussed in greater detail with reference to FIG. 4, an intervening node 16 that determines that its link 18 does not satisfy the parameters in the setup message responsively generates a point-to-point feedback message to the source node 12. The feedback message includes data identifying a node, its link 18, and data indicating the unsatisfactory condition not met by such intervening node's link 18. It should be noted that the term "point-to-point" is used herein in the conventional manner to indicate that a message is transmitted from one node to another node and thus, is not a broadcast message." Thus, Applicant submits claim 55 is in condition for allowance.

Regarding claim 56, Applicant submits the cited portions of the cited reference fail to anticipate the subject matter of claim 56. As one example, Applicant submits the cited portions of the cited reference fail to anticipate "...wherein the congestion notification comprises a congestion level, wherein the scaling back of traffic is based on the congestion level." The Examiner states that claim 56 "...is rejected for the same reasons as pointed out in the rejection of claim 41." Applicant has presented arguments for the allowability of claim 41. To whatever extent the Examiner alleges that claims 56 "is rejected for the same reasons printed out in the rejection of claim 41," Applicant reiterates Applicant's arguments for the allowability of claim 41. Thus, Applicant submits claim 56 is in condition for allowance.

Regarding claim 57, Applicant submits the cited portions of the cited reference fail to anticipate the subject matter of claim 57. As one example, Applicant submits the cited portions of the cited reference fail to anticipate "maintaining the congestion information for a predetermined time period." As another example, Applicant submits the cited portions of the cited reference fail to anticipate "removing the congestion information after the predetermined time period." While Fedyk states, in

col. 6, lines 20-22, "The source node 12, in this case, may transmit the data upon expiration of a time interval, or upon receipt of some other message," Applicant does not see teaching in the cited portion of the cited reference of "...maintaining the congestion information for a predetermined time period." Thus, Applicant submits claim 57 is in condition for allowance.

Regarding claim 58, Applicant submits the cited portions of the cited reference fail to anticipate the subject matter of claim 58. As one example, Applicant submits the cited portions of the cited reference fail to anticipate "...wherein the operating instructions further cause the processing module to perform the maintaining of the congestion information in a routing table." Applicant notes Fedyk states, in col. 5, lines 45-49, "Once the feedback message is received, it is parsed by the link state module 27 to determine the required topology data for the network 10. Such data may include link and node data, available bandwidth through the link(s) 18, and whether the selected path is to be used to transmit data." However, Applicant does not see teaching in the cited portion of the cited reference of "...wherein the operating instructions further cause the processing module to perform the maintaining of the congestion information in a routing table." Thus, Applicant submits claim 58 is in condition for allowance.

Regarding claim 59, Applicant submits the cited portions of the cited reference fail to anticipate the subject matter of claim 59. As one example, Applicant submits the cited portions of the cited reference fail to anticipate "...wherein the operating instructions further cause the processing module to perform the maintaining of the congestion information in a topology database." Applicant notes Fedyk states, in col. 5, lines 45-49, "Once the feedback message is received, it is parsed by the link state module 27 to determine the required topology data for the network 10. Such data may include link and node data, available bandwidth through the link(s) 18, and whether the selected path is to be used to transmit data." However, Applicant does not see teaching in the cited portion of the cited reference of "...wherein the operating instructions further cause the processing module to perform the maintaining of the congestion information in a topology database." Thus, Applicant submits claim 59 is in condition for allowance.

Regarding claim 60, Applicant submits the cited portions of the cited reference fail to anticipate the subject matter of claim 60. As one example, Applicant submits the cited portions of the cited reference fail to anticipate "...prioritizing traffic such that traffic of a priority is attempted to be routed through the network element at which the control plane congestion has been detected after the congestion notification has been provided." While the Examiner cites "col. 4, line 61-col. 5, line 12

and col. 6, lines 18-29...," Applicant submits that while Fedyk mentions "priority" in col. 4, line 61-col. 5, line 12 and states, in col. 6, lines 20-22, "The source node 12, in this case, may transmit the data upon expiration of a time interval, or upon receipt of some other message," Applicant submits such separate teachings do not appear to teach "...prioritizing traffic such that traffic of a priority is attempted to be routed through the network element at which the control plane congestion has been detected after the congestion notification has been provided." Rather, col. 5, lines 6 and 7 of Fedyk state, "...to ensure that such data is reliably transmitted to the destination node 14." Applicant sees no teaching in Fedyk as to how transmitting the data upon expiration of a time interval "ensures that such data is reliably transmitted to the destination node 14." Thus, Applicant submits claim 60 is in condition for allowance.

Regarding claim 61, Applicant submits the cited portions of the cited reference fail to anticipate the subject matter of claim 61. As one example, Applicant submits the cited portions of the cited reference fail to anticipate "...wherein the traffic of a priority further comprises traffic of a high priority." Applicant has submitted arguments for the allowability of claim 60, from which claim 61 depends. Thus, Applicant submits claim 61 is in condition for allowance.

Regarding claim 62, Applicant submits the cited portions of the cited reference fail to anticipate the subject matter of claim 62. As one example, Applicant submits the cited portions of the cited reference fail to anticipate "wherein the traffic of a priority further comprises traffic of a lower priority." Applicant has submitted arguments for the allowability of claim 60, from which claim 62 depends. Thus, Applicant submits claim 62 is in condition for allowance.

The Examiner has rejected claims 7 and 26 as allegedly being unpatentable over Fedyk et al. (U.S. Patent No. 6,560,654) in view of Nishihara (U.S. Patent No. 6, 424,620). Applicant respectfully disagrees.

Regarding Claims 7 and 26, the Examiner acknowledges "...Fedyk does not explicitly teach distinguishing between node congestion and link congestion." However, the Examiner cites "(col. 17, lines 41-39, the BRM packet indicates whether congestion is caused by inside or outside blocking)." Applicant presumes the Examiner is referring to col. 17, lines 41-49, of the Nishihara reference, as line 49 is greater than line 41 and lines 41-49 define a paragraph. Applicant respectfully disagrees. The Examiner states "It would have been obvious to one of ordinary skill in the Computer Networking art at the time of the applicant's invention to combine the teachings of Fedyk regarding the detection of

control plane congestion with the teachings of Nishihara regarding detecting congestion type because differing congestion types can be handled more efficiently by taking corresponding actions (Nishihara, col. 17, lines 50-67). Applicant submits the Nishihara reference teaches away from such combination and such alleged motivation to combine. Applicant notes that while the abstract of Nishihara states "...a congestion detecting unit for detecting congestion caused by inside blocking from the detection result of the inside node congestion and the congestion caused by the outside blocking...," the abstract of Nishihara then concludes "...a transfer channel retrieval unit for retrieving a transfer channel possible to avoid a relay node having the inside node congestion detected when detecting the congestion caused by the inside blocking." Thus, Applicant submits Nishihara appears to teach "...to avoid a relay node having the inside node congestion detected...," not "...differing congestion types can be handled more efficiently by taking corresponding actions."

Moreover, Applicant submits the Examiner does not appear to have identified any teaching as to "inside blocking" and "outside blocking" of Nishihara relating to "node congestion" and "link congestion." Thus, Applicant submits claims 7 and 26 are in condition for allowance.

In conclusion, Applicant has overcome all of the Office's rejections, and early notice of allowance to this effect is earnestly solicited. If, for any reason, the Office is unable to allow the Application on the next Office Action, and believes a telephone interview would be helpful, the Examiner is respectfully requested to contact the undersigned attorney.

Respectfully submitted,

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Date

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